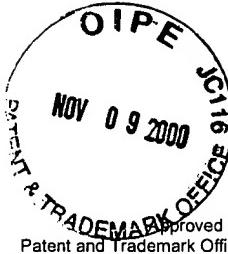


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PTO/SB/01 (12-97)

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#3

**DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)**

Declaration Submitted with Initial Filing      OR       Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

Attorney Docket Number	96700/596
First Named Inventor	Jan Gelieber
<b>COMPLETE IF KNOWN</b>	
Application Number	09/531,969
Filing Date	March 21, 2000
Group Art Unit	
Examiner Name	

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**GENE THERAPY FOR REGULATING SMOOTH MUSCLE TONE**

the specification of which

(Title of the Invention)

is attached hereto

OR

was filed on (MM/DD/YYYY)

**March 21, 2000**

as United States Application Number or PCT International

Application Number **09/531,969** and was amended on (MM/DD/YYYY)    (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached? YES	Certified Copy Attached? NO
			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

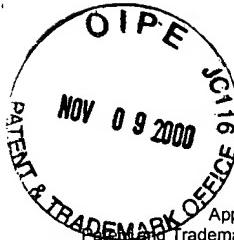
Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

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## DECLARATION — Utility or Design Patent Application

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application or PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)
08/799,144 09/135,849	02/13/1997 08/18/1998	

Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:  Customer Number  →  Registered practitioner(s) name/registration number listed below

Place Customer Number Bar Code Label here

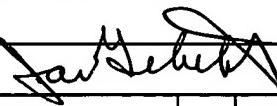
Name	Registration Number	Name	Registration Number
Morton Amster	16,677	Joel E. Lutzker	29,406
Michael J. Berger	25,829	Ira E. Silfin	33,785
Daniel S. Ebenstein	24,932	Leonard S. Sorgi	33,211
Kenneth P. George	30,259	Neil M. Zipkin	27,476
Philip H. Gottfried	25,871	Craig J. Arnold	34,287
Abraham Kasdan	32,997	Alison R. Kelly	44,821
Anthony F. Lo Cicero	29,403		

Additional registered practitioner(s) named on supplemental Registered Practitioner Information sheet PTO/SB/02C attached hereto.

Direct all correspondence to:  Customer Number or Bar Code Label  Correspondence address below

Name	Craig J. Arnold			
Address	Amster, Rothstein & Ebenstein			
Address	90 Park Avenue			
City	New York	State	NY	ZIP
Country	USA	Telephone	(212) 697-5995	Fax
				(212) 286-0854

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor:	<input type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name (first and middle [if any])		Family Name or Surname		
Jan		Geliebter		
Inventor's Signature				Date 11/8/00
Residence: City	Brooklyn	State	NY	Country USA Citizenship US
Post Office Address	1845 East 26th Street			
Post Office Address				
City	Br oklyn	State	NY	ZIP 11229 Country USA

Additional inventors are being named on the 1 supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto

Please type a plus sign (+) inside this box → +

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**DECLARATION****ADDITIONAL INVENTOR(S)  
Supplemental Sheet**Page 1 of 1

<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor						
Given Name (first and middle [if any])		Family Name or Surname						
George J.		Christ						
Inventor's Signature	<i>Christ</i>						Date	<u>8/23/08</u>
Residence: City	Smithtown	State	NY	Country	USA	Citizenship	US	
Post Office Address	<i>MALLARD 9 Millard Lane</i>							
Post Office Address								
City	Smithtown	State	NY	ZIP	11787	Country	USA	
<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor						
Given Name (first and middle [if any])		Family Name or Surname						
Arnold		Melman						
Inventor's Signature	<i>Arnold Melman ms</i>						Date	<u>8/23/08</u>
Residence: City	Ardsley	State	NY	Country	USA	Citizenship	US	
Post Office Address	23 Agnes Circle							
Post Office Address								
City	Ardsley	State	NY	ZIP	10502	Country	USA	
<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor						
Given Name (first and middle [if any])		Family Name or Surname						
Jamil		Rehman						
Inventor's Signature							Date	
Residence: City	Bronx	State	NY	Country	USA	Citizenship	US	
Post Office Address	3450 Wayne Avenue, 22H							
Post Office Address								
City	Br nx	State	NY	ZIP	10467	Country	USA	

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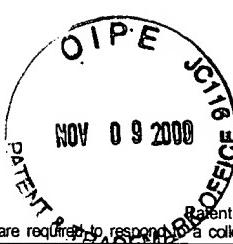
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<b>DECLARATION</b>	<b>ADDITIONAL INVENTOR(S)</b> Supplemental Sheet Page <u>1</u> of <u>1</u>
--------------------	--

<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor						
Given Name (first and middle [if any])			Family Name or Surname					
<b>George J.</b>			<b>Christ</b>					
Inventor's Signature							Date	
Residence: City	Smithtown	State	NY	Country	USA	Citizenship	US	
Post Office Address	9 Mallard Lane							
Post Office Address								
City	Smithtown	State	NY	ZIP	11787	Country	USA	
<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor						
Given Name (first and middle [if any])			Family Name or Surname					
<b>Arnold</b>			<b>Melman</b>					
Inventor's Signature							Date	
Residence: City	Ardsley	State	NY	Country	USA	Citizenship	US	
Post Office Address	23 Agnes Circle							
Post Office Address								
City	Ardsley	State	NY	ZIP	10502	Country	USA	
<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor						
Given Name (first and middle [if any])			Family Name or Surname					
<b>Jamil</b>			<b>Rehman</b>					
Inventor's Signature	<i>Jamil Rehman</i>						Date	October 4, 2000
Residence: City	Bronx	State	NY	Country	USA	Citizenship	US	
Post Office Address	4949 West Pine Boulevard, No. 5M							
Post Office Address								
City	St. Louis	State	MO	ZIP	63108	Country	USA	

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#3

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**STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) & 1.27(c))--SMALL BUSINESS CONCERN**Docket Number (Optional)  
**96700/596**Applicant, Pattee, or Identifier: **Jan Geliebter, George J. Christ, Arnold Melman and Jamil Rehman**Application or Patent No.: **09/531,969**Filed or Issued: **Filed: March 21, 2000**Title: **GENE THERAPY FOR REGULATING SMOOTH MUSCLE TONE**

I hereby state that I am

- the owner of the small business concern identified below.  
 an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN **Ion Channel Innovations, LLC**ADDRESS OF SMALL BUSINESS CONCERN **c/o Arnold Melman, M.D.  
969 Park Avenue, Suite 16, New York, NY 10028**

I hereby state that the above identified small business concern qualifies as a small business concern as defined in 13 CFR Part 121 for purposes of paying reduced fees to the United States Patent and Trademark Office. Questions related to size standards for a small business concern may be directed to: Small Business Administration, Size Standards Staff, 409 Third Street, SW, Washington, DC 20416.

I hereby state that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- the specification filed herewith with title as listed above.  
 the application identified above.  
 the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern, or organization having rights in the invention must file separate statements as to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern, or organization having any rights in the invention is listed below:  
 no such person, concern, or organization exists.  
 each such person, concern, or organization is listed below.

**Albert Einstein College of Medicine**

Separate statements are required from each named person, concern or organization having rights to the invention stating their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

NAME OF PERSON SIGNING **Arnold Melman, M.D.**TITLE OF PERSON IF OTHER THAN OWNER **President**ADDRESS OF PERSON SIGNING **969 Park Avenue, New York, NY 10028**SIGNATURE **Arnold Melman** DATE **8/23/00**

O I P E

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**STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) & 1.27(d))—NONPROFIT ORGANIZATION**

Docket Number (Optional)  
**96700/596**

Applicant, Patentee, or Identifier: **Jan Geliebter, George J. Christ, Arnold Melman and Jamil Rehman**

Application or Patent No.: **09/531,969**

Filed or Issued: **Filed: March 21, 2000**

Title: **GENE THERAPY FOR REGULATING SMOOTH MUSCLE TONE**

I hereby state that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF NONPROFIT ORGANIZATION **Albert Einstein College of Medicine**

ADDRESS OF NONPROFIT ORGANIZATION **1300 Morris Park Avenue, Bronx, NY 10461**

TYPE OF NONPROFIT ORGANIZATION:

- UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION
- TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C. 501(a) and 501(c)(3))
- NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA  
(NAME OF STATE \_\_\_\_\_)  
(CITATION OF STATUTE \_\_\_\_\_)
- WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C. 501(a) and 501(c)(3))  
IF LOCATED IN THE UNITED STATES OF AMERICA
- WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED  
STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA  
(NAME OF STATE \_\_\_\_\_)  
(CITATION OF STATUTE \_\_\_\_\_)

I hereby state that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees to the United States Patent and Trademark Office regarding the invention described in:

- the specification filed herewith with title as listed above.  
 the application identified above.  
 the patent identified above.

I hereby state that rights under contract or law have been conveyed to and remain with the nonprofit organization regarding the above identified invention. If the rights held by the nonprofit organization are not exclusive, each individual, concern, or organization having rights in the invention must file separate statements as to their status as small entities and that no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern, or organization having any rights in the invention is listed below:

- no such person, concern, or organization exists.  
 each such person, concern, or organization is listed below.

**Ion Channel Innovations, LLC**

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

NAME OF PERSON SIGNING **Emanuel Genn**

TITLE IN ORGANIZATION OF PERSON SIGNING **Associate Dean for Business Affairs**

ADDRESS OF PERSON SIGNING **1300 Morris Park Avenue, Bronx, NY 10461**

SIGNATURE 

DATE

**8/24/00**

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